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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

08/21/01  
jc944 U.S. PTO

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
G&C 130.15-US-D1	427	002.130	Margaret Moore	1712

jc971 U.S. PTO  
09/934390  
10/12/99

CERTIFICATE OF MAILING UNDER 37 CFR 1.10  
 'Express Mail' mailing label number: EL815952591US  
 Date of Deposit: August 21, 2001  
 I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to the Commissioner for Patents, Washington, D.C. 20231.  
 By: *Isabell Ogata*  
 Name: Isabell Ogata

DIVISIONAL APPLICATION UNDER 37 C.F.R. §1. 53(b)

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is a request for filing a Divisional application under 37 CFR § 1.53(b) of Serial No. 09/401,147, filed on September 22, 1999 entitled "DETECTION OF BIOLOGICAL MOLECULES USING CHEMICAL AMPLIFICATION AND OPTICAL SENSORS" by the following inventor(s):

(1)	Full Name Of Inventor	Family Name ANTWERP	First Given Name WILLIAM	Second Given Name PETER
	Residence & Citizenship	City Valencia	State or Foreign Country California	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 24101 West Del Monte #418	City Valencia	State & Zip Code/Country California 91355/U.S.A.
(2)	Full Name Of Inventor	Family Name MASTROTOTARO	First Given Name JOHN	Second Given Name JOSEPH
	Residence & Citizenship	City Los Angeles	State or Foreign Country California	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 1235 Brockton Avenue #206	City Los Angeles	State & Zip Code/Country California 90025/U.S.A.

- ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, oath or declaration showing the applicant's signature, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 37 pages of specification, 20 claims, 1 page of abstract, 14 sheets of drawings, and 2 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☒ Amend the specification by inserting before the first line the sentence: "This application is a Divisional of application Serial No. 09/401,147, filed September 22, 1999, entitled 'DETECTION OF BIOLOGICAL MOLECULES USING CHEMICAL AMPLIFICATION AND OPTICAL SENSORS', which application is incorporated herein by reference."

- ☒ Cancel original claims 1-20 of the prior application before calculating the filing fee.
- ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- ☒ The fee has been calculated as shown below in the "Claims as Filed" table.

#### CLAIMS AS FILED

Number of Claims Filed	In Excess of:	Number Extra	Rate	Fee
Basic Filing Fee				\$710.00
Total Claims				
30	20	10	x \$18.00	= \$180.00
Independent Claims				
3	3	0	x \$80.00	= \$0.00
MULTIPLE DEPENDENT CLAIM FEE				\$0.00
TOTAL FILING FEE				<b>\$890.00</b>

- ☒ PTO-2038 Credit Card Payment Form in the amount of \$890.00 to cover the Filing Fee is enclosed.
- ☒ The Power of Attorney in the prior application is to:
- William B. Kezer, Reg. No. 37,369, William M. Smith, Reg. No. 30,223, and Eugenia Garrett-Wackowski, Reg. No. 37,330, of the law firm of Townsend and Townsend and Crew, LLP
- and
- George H. Gates, Reg. No. 33,500, Victor G. Cooper, Reg. No. 39,641, Karen S. Canady, Reg. No. 39,927, William J. Wood, Reg. No. 42,236, Jason S. Feldmar, Reg. No. 39,187, and Bradley K. Lortz, Reg. No. 45,472, of the law firm of Gates & Cooper LLP
- ☒ An Assignment by the inventors to Minimed Inc. was executed and recorded in the parent application.
- ☒ Exhibit A: Copy of Office Action of October 3, 2000 in S/N 09/401,147 regarding Restriction Requirement.
- ☒ Address all future communications to the Attention of William J. Wood at Gates & Cooper LLP, Howard Hughes Center, 6701 Center Drive West, Suite 1050, Los Angeles, California 90045, Telephone: (310) 641-8797.
- ☒ A return postcard is enclosed.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-0494 of Gates & Cooper LLP. A duplicate of this paper is enclosed.

#### **GATES & COOPER LLP**

Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, CA 90045  
(310) 641-8797

By: 

Name: William J. Wood  
Reg. No.: 42,236  
WJW/io



PD-0246 CON:  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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097401,147 09/22/99 VAN ANTWERP

W 17898-000120

130.1544C2

023608

QM12/1003

EXAMINER

MINIMED INC. - PATENT DEPARTMENT

WINAKUR, E

18000 DEVONSHIRE STREET

NORTHRIDGE CA 91325-1219

ART UNIT

PAPER NUMBER

OCT 10 2000

3736

DATE MAILED:

10/03/00

RECEIVED

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

COPY

RECEIVED  
OCT 12 2000  
Gates & Cooper

# Office Action Summary

Application No.

09/401,147

Applicant(s)

VAN ANTWERP ET AL.

Examiner

Eric F Winakur

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claims 21-64 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: